



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, AUGUST 15, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

**A Special Meeting is Called at 5:00 p.m. for the purpose
of Conducting a Workshop and 6:30 p.m. for the
purpose of conducting closed sessions.**

Dennis Kennedy, Mayor/Chairman

5:00 P.M.

CALL TO ORDER

(Mayor/Chair Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

City Council Action

WORKSHOP

- 1) **E-GOVERNMENT ACTIVITIES** 1
Recommended Action:
1. **Receive** update on City's E-Government Activities, and
2. **Provide Direction** on Planning Activities and Desired Involvement by Council.

6:30 p.m.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Number:	Santa Clara County Superior, No. CV 799179
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation	
Authority:	Government Code Section 54956.9(b)
Two (2) Cases	

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Virginia Lomanto Trustee
Closed Session Topic:	Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c) - One (1) potential case

5.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Case Name: City of San Jose v. Morgan Hill Unified School District

Case Number: County of Sacramento, Case Number 01CS00196

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Mary Anne Kendall, Office Assistant II (Building Division)

PROCLAMATION

Prostate Awareness Month

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #2 through #15 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time		Page
Estimate		
Consent Calendar: 1 - 10 Minutes		
2)	<u>JULY 2001 FINANCE AND INVESTMENT REPORT</u> 3 <u>Recommended Actions: Accept and File</u> Report.	
3)	<u>APPROVAL OF AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER</u> 31 <u>Recommended Actions:</u> 1. <u>Approve</u> the Agreement for the City, through the Police Department, to Provide a School Resource Officer for FY 2001/2002 through FY 2002/2003 to the Morgan Hill Unified School District 2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City.	
4)	<u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u> 37 <u>Recommended Action: Adopt</u> Resolution No. 5516, Amending the Management, Professional and Confidential Employees Resolution No. 5486 to Assign a Salary Range and Job Description to the Position of Project Manager	
5)	<u>SUBDIVISION APPLICATION, SD-00-14: LLAGAS-DELCO</u> 47 <u>Recommended Action: Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
6)	<u>SUBDIVISION APPLICATION, SD-00-15: HALE-DELCO/SHENG</u> 83 <u>Recommended Action: Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
7)	<u>SUBDIVISION APPLICATION, SD-00-21: Nina Lane-Shaw</u> 117 <u>Recommended Action: Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
8)	<u>URBAN SERVICE AREA ADJUSTMENT APPLICATIONS FOR 2001</u> 147 <u>Recommended Action: Reschedule</u> hearings on the 2001 Urban Service Area Applications to October.	

- 9) **APPROVAL OF CHANGE ORDER FOR THE MADRONE AVENUE RAILROAD UNDERPASS SEISMIC RETROFIT PROJECT** 149
Recommended Actions:
1. **Appropriate** an additional \$7,772 for this project from FY 01/02 unappropriated Street Fund Balance; and
2. **Approve** Construction Change Order No. 4 with Cunningham & Sons in the Amount of \$7,772.
- 10) **RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION** 151
Recommended Action: **Approve** Resolution No. 5517 which Authorizes the City Manager to Execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements and any amendments thereto with the California Department of Transportation.
- 11) **APPROVE PURCHASE OF A PORTABLE 150 KW GENERATOR FOR WELL SITES AND BOOSTER STATIONS** 155
Recommended Action: **Approve** the purchase of an Elliott Magnetek MD 150 QD (MTG41) Trailer (Magnetek TED 10000) mounted generator from Pac Machine Co., Inc. for \$43,551.
- 12) **ACCEPT CONSTRUCTION FOR MAIN WELL TEST HOLE** 157
Recommended Actions:
_____ 1. **Authorize** the expenditure of an additional \$4,765 from CIP project number 608093 to complete the funding for this project;
_____ 2. **Accept** as complete the Construction of Main Well Test Hole Project in the final amount of \$40,668; and
_____ 3. **Direct** the City Clerk to file the Notice of Completion with the County Recorder's Office.
- 13) **APPOINTMENT TO THE MOBILE HOME RENT COMMISSION** 161
Recommended Action: **Approve** the Appointment of Mark Moore to the Mobile Home Rent Commission for a term expiring June 1, 2003.
- 14) **GAVILAN COLLEGE LEASE AGREEMENT** 165
Recommended Action: **Authorize** the City Manager to do Everything Necessary and Appropriate to Execute, including making any minor modifications, and implement a lease agreement with Gavilan Community College for their Satellite Campus at the Morgan Hill Community Center.
- 15) **ENERGY AUDIT RECOMMENDATIONS AND IMPLEMENTATION)** 175
Recommended Actions:
_____ 1. **Authorize** the Executive Director to Enter Into a Contract with Reliable Energy Concepts in the Amount of \$50,318 for Energy Conservation Equipment and Installation; and
_____ 2. **Appropriate** \$55,000 from General Fund Reserves to Building Maintenance in Order to Pay for the Full Cost of the Project.

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #16 through #19 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
16)		<u>APPROVAL OF THE REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 25, 2001</u>	179
17)		<u>APPROVAL OF THE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 1, 2001</u>	201
18)		<u>APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 3, 2001</u>	217
19)		<u>APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 6, 2001</u>	219

PUBLIC HEARINGS:

	Time Estimate		Page
20)	15 minutes	<u>APPLICATION, AP-01-02: APPEAL OF PLANNING COMMISSION DENIAL OF AN EXTENSION OF TIME FOR A VARIANCE APPROVAL: MONTEREY-OAK GLEN PLAZA</u> <i>Continued from July 25, 2001</i>	221
		Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Adopt</u> Resolution No. 5518, granting the appeal and approving a one-year extension of time on the variance approval	
21)	10 minutes	<u>ZONING AMENDMENT, ZA-01-03: CITY OF MORGAN HILL-ZONING TEXT AMENDMENT</u> <i>Continued from July 25, 2001</i>	237
		Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Table</u> Item Note: The proposed text amendment will be scheduled for a future public hearing upon conclusion of City Attorney and Attorney Peter Burcat review.	

	Time Estimate		Page
22)	10 minutes	<u>ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-00-17/DA-00-09: LLAGAS-DELCO</u>	239
		Recommended Action: Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action - <u>Motion to Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the reading in full of the Residential Planned Development (RPD) Ordinance No. 1 522, New Series;	
		Action- <u>Motion to introduce</u> the RPD Ordinance No. 1522 , New Series, by title only (roll call vote).	
		Action- <u>Motion to Waive</u> the reading in full of the Development Agreement (DA) Ordinance No. 1523, New Series;	
		Action- <u>Motion to introduce</u> the DA Ordinance No. 1523, New Series, by title only (roll call vote).	
23)	10 minutes	<u>ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-00-18/DA-00-01: HALE-DELCO (SHENG)</u>	285
		Recommended Action: Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action - <u>Motion to Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the reading in full of the Residential Planned Development (RPD) Ordinance No. 1 524, New Series;	
		Action- <u>Motion to Introduce</u> the RPD Ordinance No. 1 524, New Series, by title only (roll call vote).	
		Action- <u>Motion to Waive</u> the reading in full of the Development Agreement (DA) Ordinance No. 1525, New Series;	
		Action- <u>Motion to Introduce</u> the DA Ordinance No. 1525, New Series, by title only (roll call vote).	
24)	5 minutes	<u>ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-00-21/DA-00-13: NINA LANE-SHAW</u>	329
		Recommended Action: Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action - <u>Motion to Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the reading in full of the Residential Planned Development (RPD) Ordinance No. 1 526, New Series;	
		Action- <u>Motion to Introduce</u> the RPD Ordinance No. 1526, New Series, by title only (roll call vote).	
		Action- <u>Motion to Waive</u> the reading in full of the Development Agreement (DA) Ordinance No. 1527, New Series;	
		Action- <u>Motion to Introduce</u> the DA Ordinance No. 1527, New Series, by title only (roll call vote).	

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

	Time Estimate		Page
25)	1 minute	<u>ADOPT ORDINANCE NO. 1514, NEW SERIES</u> An Ordinance of The City Council of The City of Morgan Hill Approving an Amendment to the Precise Development Plan for an R-1 (7,000)/RPD, Single- Family Residential Planned Development Located on the West Side of DeWitt Avenue, South of West Dunne Avenue. (APN 773-08-043)	363
26)	1 minute	<u>ADOPT ORDINANCE NO. 1521, NEW SERIES</u> An Ordinance of The City Council of the City of Morgan Hill Amending Ordinance No. 559, New Series, by Zoning Properties in various locations Throughout the City to Maintain Consistency with the General Plan.	367

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT